

Message

From: Hassell, Emily [hassell.emily@epa.gov]
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To: AO OPA Individual News Clips [AO_OPA_Ind_News_Clips@epa.gov]
Subject: News Clips - 26 March 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Fuel Efficiency Regulations

[Wall Street Journal - EPA Tentatively Decides to Ease Vehicle Emission Standards](#)

[Reuters - EPA decision to pave way for changes in fuel efficiency rules: sources](#)

[Bloomberg - EPA Sides With Carmaker Calls to Ease Efficiency Rules, Sources Say](#)

[Daily Caller - Trump's EPA Prepares To Overturn Obama's Global Warming Rule For Cars, Trucks](#)

[Washington Examiner - EPA to seek weakening of vehicle fuel-efficiency standards](#)

[The Hill - EPA expected to declare Obama car efficiency rules too strict](#)

[E&E Greenwire - Industry walks fine line over EPA fuel economy rollback](#)

Administrator Pruitt's Travel

[NY Post - Scott Pruitt slammed for spending less on travel than Obama's EPA chiefs](#)

[Oklahoma Energy Today - Pruitt's EPA Travel Expenses Pale to Those of Gina McCarthy and Lisa Jackson](#)

[The Hill - Dem senator introduces bill to publicize Trump officials' flying](#)

Superfund

[BNA - House-Sought Superfund Change Would Help Firms With Multiple Sites](#)

[New York Times - The Superfund Sites of Silicon Valley](#)

Litigation

[Politico - States plan to sue EPA over missed landfill methane deadlines](#)

[The Hill - States threaten to sue Trump EPA for delay in enforcing landfill pollution rule](#)

[Washington Examiner - Environmental groups sue EPA for easing rules on 'major' polluters](#)

[Politico - Greens sue EPA over 'once in, always in' policy reversal](#)

The Hill - Green groups sue to stop EPA rule change for power plant emissions

EPA Staff

The Detroit News - Ford manager picked for EPA's international office

BNA - Senate Tees Up Confirmation Vote for EPA Nominee Wheeler

Washington Examiner - What do offshore drilling and Toys R Us have in common?

General

Real Clear Policy - Pruitt Leads the Way on Regulatory Rollback

News Oklahoma - Ban on "secret science" in EPA regulation makes sense

AP - EPA removing lead-contaminated soil from Detroit park

Washington Examiner - Ethanol industry ire grows as deadline in oil refinery case nears

Washington Examiner - Gina McCarthy: Scott Pruitt has no idea what he's doing at EPA

USA Today - I used to work at the EPA. Now I have lung disease and depend on it.

E&E Greenwire - Deals give companies more time to pollute

AP - Some West Virginians at odds with EPA over soil sampling

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Wall Street Journal

<https://www.wsj.com/articles/epa-tentatively-decides-to-ease-vehicle-emission-standards-1521842605>

EPA Tentatively Decides to Ease Vehicle Emission Standards

By Mike Spector, 3/23/18, 6:12 PM

The Environmental Protection Agency has tentatively concluded that future vehicle emissions standards should be eased, a decision long lobbied for by car companies that argued looming regulations are too stringent and need revision.

The EPA has drafted a so-called final determination that outlines arguments for relaxing standards requiring auto makers to cut emissions enough so vehicles sold average more than 50 miles a gallon by 2025, said a person familiar with the matter.

The EPA delivered the draft, which covers standards between 2022 and 2025, to the Office of Management and Budget this week, the person said. The EPA faces an April 1 deadline to determine whether the targets should be strengthened, relaxed or left unchanged.

No changes would be imminent even with the issuing of a final determination. Rules would have to be devised afterward detailing any revisions, a process that could take weeks or months. Bloomberg News earlier reported on the draft determination.

Auto makers have argued the future standards, which for 2025 equate to roughly 36 mpg in real-world driving, are too difficult to meet in an era of cheap gasoline. Low fuel prices have resulted in soaring sales of less-efficient pickup trucks and sport-utility vehicles that now eclipse 60% of the U.S. market. Electric cars that don't contribute to greenhouse-gas emissions amount to only about 1% of U.S. sales.

Still, auto makers also want to ensure that California and other states following its aggressive standards that collectively represent about 40% of the U.S. market are on board with changes, lest they face a patchwork of different rules across state lines.

California currently has an EPA waiver to set its own standards separate and apart from U.S. rules and had been in lockstep with targets the Obama administration finalized just before President Donald Trump's inauguration in January 2017. The Trump administration reopened a review of the future standards after lobbying from car companies, a move that angered California officials.

"The draft determination has been sent to OMB and is undergoing interagency review. A final determination will be signed by April 1, 2018, consistent with the original timeline," said Liz Bowman, an EPA spokeswoman. She didn't elaborate on the contents of the draft.

A spokesman for the California Air Resources Board, the state agency that regulates tailpipe emissions, said officials were "troubled" by word of the EPA's tentative decision to revise the standards. "We have not seen the document in question and California had no input into its content," the spokesman said.

Trump administration and California officials have held meetings and phone calls in recent months, but haven't agreed on any proposed changes. CARB Chairwoman Mary Nichols traveled to Washington in January to meet with officials from the White House, EPA and National Highway Traffic Safety Administration, an agency that sets its own separate fuel-economy standards and has been involved in negotiating possible changes.

Ms. Nichols and other state officials signaled a willingness to discuss possible changes at that meeting without committing to any specific proposals. She joined another check-in call with Trump administration officials in recent weeks, the person familiar with the matter said.

"California paved the way for a single national program and is fully committed to maintaining it. However, we feel that this rumored finding—if official—places that program in jeopardy," the CARB spokesman said, adding that revising the future targets would waste fuel, increase emissions and cost consumers more money.

"We won't take any action until we have the opportunity to see the document itself and any supporting data, evidence, or analysis that purports to justify what we think would be an unfounded conclusion," the CARB spokesman said.

"We can't comment on a determination we haven't seen, but remain absolutely convinced that one national program is the preferred policy path," said Mitch Bainwol, head of a Washington lobbying group representing a dozen auto makers, including General Motors Co., Ford Motor Co. and Toyota Motor Corp.

Auto makers contend that complying with the current standards would ultimately cost them \$200 billion and threaten jobs. Vehicle prices could also rise, leading consumers to keep older automobiles that pollute more longer, the companies argue.

GM Chief Executive Mary Barra met earlier this month with EPA Administrator Scott Pruitt and Transportation Secretary Elaine Chao and "reconfirmed our priorities for modernizing fuel economy standards, which is the need for one national

set of requirements and the need to comprehend new technology developments like increased shared and autonomous electric vehicles,” a GM spokeswoman said.

Mr. Pruitt has expressed the view that California shouldn’t dictate nationwide policy on vehicle emissions.

California Gov. Jerry Brown called the Trump administration’s decision to review the standards a “gift to polluters” in a letter last year to Mr. Pruitt. Attorneys general in states across the U.S. that follow California’s standards have pledged to take the Trump administration to court if federal targets are weakened.

Reuters

<https://www.reuters.com/article/us-autos-emissions/epa-decision-to-pave-way-for-changes-in-fuel-efficiency-rules-sources-idUSKBN1GZ36C>

EPA decision to pave way for changes in fuel efficiency rules: sources

By David Sherpardson, 3/23/18, 5:35 PM

WASHINGTON (Reuters) - The U.S. Environmental Protection Administration plans to declare by April 1 that the Obama administration’s vehicle efficiency rules through 2025 are “not appropriate,” two officials briefed on the matter said Friday.

The “not appropriate” declaration will allow the Trump administration to reopen vehicle emissions rules announced in 2011 and agreed to by automakers.

The administration is considering significant changes that would make it easier for automakers to meet regulations, a move that could boost vehicle pollution.

The EPA is expected to declare that the existing 2022-2025 model year rules on fuel economy must be revised but not immediately propose new requirements, the people said. The rules sought to double average fleet-wide fuel efficiency to about 50 miles (80 km) per gallon by 2025.

Two administration officials and several automakers told Reuters the timing of proposing revisions for automakers remained in flux. EPA officials suggested a proposal could come in late May or June, while the Transportation Department is pushing for a speedier proposal, automakers and officials said.

EPA spokeswoman Liz Bowman confirmed in an email Friday that a draft determination submitted to the White House Office of Management and Budget “is undergoing interagency review. A final determination will be signed by April 1, 2018, consistent with the original timeline.” She declined to offer any details on the proposal.

Heidi King, the deputy National Highway Traffic Safety Administrator, told a Senate panel Tuesday that the agency expected to propose fuel economy standards in April for a five-year period and is working “to make sure that the federal family is aligned in the path forward.”

Car companies hope to avoid a potential legal battle among federal regulators, many state attorneys general and environmental groups that could leave them in limbo about future rules. General Motors Co (GM.N) Chief Executive Mary Barra met earlier this month with EPA and Transportation officials.

Automakers want rule changes to address lower gasoline prices and a shift in U.S. consumer preferences to larger, less fuel-efficient vehicles.

Industry executives have not publicly sought specific reductions in the requirements negotiated with the Obama administration in 2011.

In March 2017, Trump suggested he would soften the mandates. “The assault on the American auto industry is over,” he told autoworkers.

Automakers are pressing the administration to reach agreement with California to maintain a nationwide set of fuel efficiency requirements.

California Air Resources Board chair Mary Nichols said in January the board does not believe the standards should be lowered.

A spokeswoman for Nichols, Stanley Young, said the agency was “troubled about the rumors that the EPA has found the standards to be too aggressive and that they need to be weakened.”

He added California feels “strongly that weakening the program will waste fuel, increase emissions, and cost consumers more money.”

Bloomberg

<https://www.bloomberg.com/news/articles/2018-03-23/epa-is-said-to-side-with-carmaker-calls-to-ease-efficiency-rules>

EPA Sides With Carmaker Calls to Ease Efficiency Rules, Sources Say

By Ryan Beene, Jennifer A. Dlouhy, and John Lippert, 3/23/18, 5:33 PM

The U.S. Environmental Protection Agency has concluded that a landmark Obama-era effort to cut vehicle greenhouse-gas emissions is too aggressive and agrees with automakers that the standards should be revised, according to people familiar with the matter.

The agency has completed a draft decision outlining the rationale for easing fuel efficiency regulations for model-year 2022-2025 cars and light trucks, two people said. Bill Wehrum, chief of the agency’s Office of Air and Radiation, plans to meet with environmental regulators in California next week to discuss the draft determination ahead of an April 1 deadline to make it public, according to the people, who spoke on the condition of anonymity because the decision hasn’t been made public.

In an email, EPA spokeswoman Liz Bowman confirmed the agency has sent a draft of the decision on the standards to the White House’s Office of Management and Budget and that the final determination will be signed by April 1. Bowman didn’t describe the contents of the draft.

The California Air Resources Board is troubled by reports of the EPA’s decision, Stanley Young, a spokesman for the state regulator, said in a statement. The agency hasn’t seen the EPA’s draft decision and has had no input in drafting the decision, he said.

“California paved the way for a single national program and is fully committed to maintaining it,” Young said. “This rumored finding -- if official -- places that program in jeopardy. We feel strongly that weakening the program will waste fuel, increase emissions, and cost consumers more money.”

The EPA hasn’t determined what the new tailpipe-emission standards should be, the people said. However, the move is widely expected to result in weaker targets that will be easier for automakers to achieve as sales skew toward sport utility vehicles, pickups and other light trucks.

Finalizing the decision next week will set in motion a longer-term process needed to re-write the tailpipe rules enacted by President Barack Obama’s administration. The rules were aimed at slashing carbon emissions from cars and light

trucks by boosting fuel economy to a fleet average of more than 50 miles per gallon by 2025. The standard is equivalent to roughly 36 mpg in real-world driving.

The EPA's so-called final determination marks the culmination of a yearlong re-evaluation of the Obama-era rules that was announced by President Donald Trump in March 2017. He touted the move in his State of the Union address in January, saying, "In Detroit, I halted government mandates that crippled America's autoworkers -- so we can get the Motor City revving its engines once again."

Reopening the review last year nullified an EPA decision during Obama's last days in office to finalize the rules without changes after a lengthy analysis found automakers could meet the standards at a reasonable cost.

Automakers aggressively lobbied the Trump administration to reopen the review, saying it was ended prematurely without an adequate consideration of how gas prices, consumer preferences and other issues had changed the auto market since the rules were agreed upon in 2011.

In January, the EPA released a report showing 2016 model year cars and light trucks failed to achieve the EPA's greenhouse gas standards for the first time despite a small gain in efficiency.

The EPA's decision to change the standard also raises the specter of a legal battle with California regulators, who in 2011 agreed to align their own vehicle greenhouse-gas emissions standards with the federal rules. The deal, which had the support nearly every major carmaker, ensured consistent mileage and greenhouse-gas rules nationwide.

Officials from automaker trade associations said on Friday that they had not been notified of the EPA's decision.

"Like everyone else, we're going to watch with interest to see what the outcome is," said Mitch Bainwol, president of the Alliance of Automobile Manufacturers, whose members include General Motors Co., Volkswagen AG and Toyota Motor Corp.

Bainwol said his group continues to support negotiations between the federal government and California that would allow them to continue aligning their greenhouse gas standards, even if that means -- as California has insisted -- that even higher goals be set for 2026 and beyond.

"Fuel efficiency doesn't stop in 2025," Bainwol said. "We see this as a journey that has no real ending."

John Bozzella, president of the Association of Global Automakers, said his group also supports continued alignment between California and the federal government. The association is comprised mostly of companies headquartered outside the U.S., including Japan's Toyota, Germany's Robert Bosch GmbH and South Korea's Hyundai Motor Co.

Trump officials have been in talks with California Air Resources Board officials about the future of the rules but there have been no signs of an agreement.

If a deal to maintain that consistency can't be reached, automakers could face a regulatory patchwork with EPA tailpipe rules in most states and California-set efficiency rules in several others that have adopted California's rules. Those states together account for about a third of the U.S. auto market.

Weakening the standards is "not in the interest of the public or the industry," said Young, the California Air Resources Board spokesman. "We won't take any action until we have the opportunity to see the document itself and any supporting data, evidence, or analysis that purports to justify what we think would be an unfounded conclusion."

The Sierra Club criticized the EPA and Administrator Scott Pruitt, saying in an emailed statement that "it's a surprise to no one" that the agency had sided with automakers.

"This is an Administrator and an administration that focuses solely on doing what's best for corporate polluters, not the American people," said Andrew Linhardt, deputy director for clean transportation at the environmental group.

Daily Caller

<http://dailycaller.com/2018/03/23/epa-overtake-obama-gas-emissions-regulation/>

Trump's EPA Prepares To Overtake Obama's Global Warming Rule For Cars, Trucks

By Michael Bastasch, 3/23/18, 3:53 PM

The Environmental Protection Agency (EPA) will revise Obama-era greenhouse gas emissions regulations on cars and light duty trucks, deeming them too aggressive for automakers to meet by 2025.

EPA has a draft decision on revising fuel efficiency regulations, two people familiar with the matter told Bloomberg. A third source familiar with the matter confirmed this to The Daily Caller News Foundation.

EPA Administrator Scott Pruitt began reviewing the 2012 fuel efficiency regulation in 2017, which required the U.S. car fleet to get 54.5 miles per gallon by 2025. EPA finalized the rule in conjunction with the Transportation Department as part of the Obama administration's climate agenda.

Corporate Average Fuel Economy, or CAFE, standards were first put in place in the 1970s as a result of the Arab oil embargo. Though initially put in to save energy, the Obama administration turned them into another way to fight global warming.

The Obama EPA argued their standards would cut 540 million metric tons of carbon dioxide emissions and cut oil use by 1.2 billion barrels. The previous administration said the standards would help meet Paris climate accord goals and save consumers money.

Former EPA Administrator Gina McCarthy deemed the standards "appropriate" in a review of the regulation released just before President Donald Trump took office in January 2017.

However, the Trump administration will reverse course, siding with automakers who say the 2012 standards are too aggressive. Automakers began pressing the White House to review the standards early in 2017.

"The Administration is fulfilling its commitment to reinstate the midterm evaluation of future vehicle fuel economy and greenhouse gas standards," the Auto Alliance said.

Automakers accepted regulations when they were first adopted in 2012, but have since changed their tune now that gas prices have come down and Americans, indeed much of the world, buy more SUVs and trucks.

Companies and the Obama administration did not foresee the collapse in oil prices, spurred by booming U.S. production, and lackluster sales in electric and hybrid vehicles.

Indeed, former President Barack Obama fell short of meeting his own goal of getting electric or hybrid cars on the road by 2015, despite generous subsidies and government loan guarantees.

Environmentalists pressed the Trump administration to keep the Obama-era policy as a way to keep U.S. companies competitive in a global market that's increasingly eschewing gas-powered cars.

However, SUVs sales are still booming. SUVs and crossovers "made up more than one in three cars sold globally last year, almost tripling their share from just a decade ago," The New York Times reported on March 3.

Washington Examiner<https://www.washingtonexaminer.com/policy/energy/epa-to-look-weakening-of-vehicle-fuel-efficiency-standards>**EPA to seek weakening of vehicle fuel-efficiency standards**

By Josh Siegel, 3/26/18

The EPA on Friday submitted to the White House a draft of a so-called final determination on the Obama-era national fuel economy rules, according to the Office of Management and Budget website. The notice does not include details of the proposal, but Reuters reports the agency is expected to say that the 2022-2025 model year rules on fuel economy for cars and light-duty trucks, such as pickups and sport utility vehicles, must be revised, although the agency won't immediately propose new requirements.

The EPA, under Administrator Scott Pruitt, has long been expected to ease the Obama administration rules, negotiated with the industry in 2011, that would require automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025.

The EPA has a Sunday deadline for deciding if the 2022-2025 standards are achievable or whether they should be adjusted.

Automakers have pressed for relief from the rules, arguing that low gasoline prices have weakened consumer demand for hybrid-electric cars and smaller, fuel-efficient models.

Less fuel-efficient SUVs and light trucks have become more popular in recent years, meaning manufacturers are having difficulty hitting the fuel-efficiency targets, automakers say. They say complying with former President Barack Obama's standards could cost the industry \$200 billion, threaten jobs and increase vehicle prices.

Emissions from automobiles are the largest source of greenhouse gas pollution that most scientists say contributes to manmade climate change.

It remains to be seen how the EPA will settle a dispute with California over the fuel efficiency rules. California, which can set its own fuel efficiency standards, has warned it could withdraw from the nationwide vehicle emissions program if the EPA limits the regulations.

Federal law since 1967 has allowed California, because of severe air pollution problems caused by smog, to obtain a waiver, permitting it to set its own fuel efficiency regulations that are tougher than the national standards. Other states can follow California's standards instead of the national rules.

A spokesman for the California Air Resources Board told the Washington Examiner it is "troubled" by reports that the EPA is looking to weaken the standards, and says that doing so would jeopardize the viability of the national program.

"We are troubled about the rumors that the EPA has found the standards to be too aggressive and that they need to be weakened," said Stanley Young. "California paved the way for a single national program and is fully committed to maintaining it. However, we feel that this rumored finding — if official — places that program in jeopardy. We feel strongly that weakening the program will waste fuel, increase emissions, and cost consumers more money."

The Hill<http://thehill.com/policy/energy-environment/380260-epa-expected-to-declare-obama-car-efficiency-rules-too-strict>**EPA expected to declare Obama car efficiency rules too strict**

By Timothy Cama, 3/26/18, 9:53 AM

The Environmental Protection Agency (EPA) is expected to declare that the Obama administration's fuel efficiency rules for cars are too strict, two people familiar with the matter said.

The determination, due to be proposed this week, would side with the argument automakers have been making for years. They say that the EPA's vehicle greenhouse gas standards and the related Department of Transportation efficiency standards for model years 2022 through 2025 need to be revised.

It would also open the door for the EPA to weaken the standards, and set up a likely confrontation with California, whose regulators have decided to retain the strict standards that they negotiated with the Obama administration.

EPA Administrator Scott Pruitt has yet to determine what the 2022 through 2025 standards should be, which is a separate process.

The EPA did not respond to a request for comment. EPA spokeswoman Liz Bowman told Bloomberg News, which first reported the expected determination, that the agency recently sent the proposed finding to the White House Office of Management and Budget (OMB) for final review, but did not divulge the content of the finding.

OMB said Monday that it received the proposal.

Stanley Young, a spokesman for California's Air Resources Board, said the news is troubling.

"California paved the way for a single national program and is fully committed to maintaining it," he said in a statement. "This rumored finding — if official — places that program in jeopardy. We feel strongly that weakening the program will waste fuel, increase emissions, and cost consumers more money."

The current rules came from a major 2011 agreement among the Obama administration, California and the automakers, who had just recently avoided collapse thanks largely to government bailouts. It envisions an average fuel economy among new cars of nearly 50 miles per gallon by 2025.

Part of the deal was a midterm evaluation by the EPA, due this year, into whether the 2022 through 2025 standards are still achievable.

The Obama administration worked to complete that evaluation in the final weeks before President Trump's inauguration last year, concluding that the upcoming standards should stay in place.

Automakers, represented by the Auto Alliance and Global Automakers, cried foul and asked the Trump administration to redo the process, resulting in this week's determination.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060077441/search?keyword=EPA>

Industry walks fine line over EPA fuel economy rollback

By Maxine Joselow, 3/26/18

One of the largest lobbying groups for automakers is staying publicly neutral about U.S. EPA's reported plans to relax Obama-era fuel economy standards.

EPA plans to loosen the limits on tailpipe emissions from cars made from 2022 to 2025, according to people familiar with the decision that will be announced this week (Climatewire, March 26).

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, declined to comment on EPA's reported decision.

Asked whether the alliance would support less stringent standards, Bergquist said while current market conditions make it hard for automakers to reach the Obama-era standards, the industry must reduce greenhouse gas emissions to combat climate change.

EPA under Obama "didn't include all the data they should have," such as sales data for 2016 and 2017, when issuing the standards, Bergquist said.

The data would have shown that electric vehicles still account for fewer than 1 percent of cars sold in the country, which "makes it challenging to reach higher targets," she said.

At the same time, "we believe that climate change is real and that we are taking steps to reduce carbon emissions," Bergquist said. "Of course, carbon is formed through combustion. So if you burn less gasoline, you produce less carbon. So higher fuel economy is helpful."

Companies that belong to the Alliance of Automobile Manufacturers, including General Motors Co. and Fiat Chrysler, referred requests for comment to the alliance.

EPA spokeswoman Liz Bowman confirmed to E&E News that the agency had sent a draft decision to the White House Office of Management and Budget for review.

"The draft determination has been sent to OMB and is undergoing interagency review. A final determination will be signed by April 1, 2018, consistent with the original timeline," Bowman said in an email. She declined to comment on the details of the decision.

California, enviros react

The California Air Resources Board is troubled by EPA's decision, said spokesman Stanley Young. California has a waiver under the Clean Air Act that lets the state set its own, more stringent fuel economy standards.

"California paved the way for a single national program and is fully committed to maintaining it," Young said in a statement. "[EPA's decision] places that program in jeopardy. We feel strongly that weakening the program will waste fuel, increase emissions and cost consumers more money."

Environmentalists have blasted EPA's move, saying it undermines global progress toward reducing greenhouse gas emissions.

"It's a surprise to no one that [EPA Administrator Scott] Pruitt would side with Ford and the Auto Alliance to weaken widely-supported standards that helps drive down pollution and cuts the cost for Americans at the pump," Sierra Club Deputy Director for Clean Transportation Andrew Linhardt said in a statement.

"After all, this is an Administrator and an administration that focuses solely on doing what's best for corporate polluters, not the American people," Linhardt added.

Dan Becker, director of the Safe Climate Campaign, said he's hopeful that once President Trump leaves office, the next administration will return to more stringent standards.

"In the longer term, these standards are set to expire in 2025," Becker said. "Ultimately, we think California will begin preparing post-2025 standards that will begin to set the stage for federal standards that will continue to reduce emissions."

New York Post

<https://nypost.com/2018/03/23/scott-pruitt-in-hot-water-for-spending-less-on-travel-than-obamas-epa-chiefs/>

Scott Pruitt slammed for spending less on travel than Obama's EPA chiefs

By Post Editorial Board, 3/23/18, 8:21 PM

Environmental Protection Agency chief Scott Pruitt is under fire for flying high on the taxpayers' dime. Fair enough — but why did his Obama-era predecessors escape the same scrutiny?

Pruitt spent roughly \$120,000 on travel in his first year on the job, according to records the EPA provided to the House Oversight Committee.

Almost \$90,000 went for food, hotels, airfare and a military jet for his trip with nine staffers for the four-day G-7 environmental summit in Italy last June. Nearly 40 grand more covered a trip to Morocco to promote US exports of environmentally friendly natural gas.

Many critics have hit Pruitt for taking first-class seats when EPA guidelines suggest coach — but he argues that's called for because he's been getting death threats from pretty much his first day on the job. (Some greens really, really don't like him.) Indeed, a quarter of his travel bill was \$30,000 for his security detail.

And The Washington Free Beacon's Elizabeth Harrington dug up some more context: President Obama's EPA poohbahs traveled just as large.

Lisa Jackson, EPA director from 2009 to 2013, racked up more than \$332,000 on four overseas trips. Gina McCarthy, the chief in 2013-17, spent nearly \$630,000 on flights and security in her 10 international travels.

None of which made headlines, even on the web — though their yearly average bill was a bit above Pruitt's one-year total.

Maybe Pruitt should pass on the junkets and save the taxpayers some money, but he's not costing them any more than the Democrats who held the same job.

Oklahoma Energy Today

<http://www.okenergytoday.com/2018/03/pruitts-epa-travel-expenses-pale-to-those-of-gina-mccarthy-and-lisa-jackson/>

Pruitt's EPA Travel Expenses Pale to Those of Gina McCarthy and Lisa Jackson

3/23/18

The conservative political website Hot Air has decided it's time to compare the travel expenses of EPA Administrator Scott Pruitt with those of his predecessors.

The website's reporters did some comparison of the expenses that Pruitt, the former Oklahoma Attorney General has run up in his first year in office. While national news organizations have carried bold headlines about Pruitt's first-class travels and a \$30,000 tab on a trip to Italy, Hot Air found two previous EPA administrators racked up similar bills.

Under the headline, “Anybody Recall The Media Looking at Gina McCarthy’s Travel Expenses?”, Hot Air reported:

In 2016, Team McCarthy made three trips spending the following amounts:

\$68,382 to travel to Ghana

\$45,139 to travel to Peru

\$74,737 to travel to Tokyo

They were a bit more busy in 2015 it seems. McCarthy and the security team racked up the following bills:

\$41,320 to travel to Paris

\$90,367 to travel to Dubai

\$67,702 to travel to Tokyo

\$56,192 to travel to Italy

While some national news groups were critical of Pruitt for visiting the Vatican during his G7 summit attendance, McCarthy did the same thing when she traveled to Italy.

But Hot Air reported that’s not all it found about McCarthy’s travels.

Moving on, Gina McCarthy and her security detail hit the road a bit in 2014 as well.

\$62,246 to travel to Vancouver (Seriously? It costs that much to go to Canada?)

\$68,267 to travel to Vietnam

McCarthy and company only took one trip in 2013, spending \$55,384 to travel to China.

Delving back into travel records of Lisa Jackson, the EPA administrator who preceded McCarthy, Hot Air made similar discoveries.

Before McCarthy there was Lisa Jackson who also answered the beckoning call of the road on occasion. Let’s see how she and her security detail did.

2012: \$64,963 to travel to Israel.

2011: \$59,950 to travel to Rio De Janeiro.

2011: \$51,435 to travel to Montreal.

2011: \$155,763 to travel to China. (No, that wasn’t a typo. That was more than \$155K for a single trip.)

As for the reaction at Pruitt’s EPA? Here’s what spokesman Jahan Wilcox told Hot Air.

“The double-standard couldn’t be more clear: under Barack Obama’s EPA the media chose not to report on expenditures to protect the EPA Administrator for international travel or the costs of their trips, but under the Trump Administration the costs to protect our government officials is somehow scandalous.”

The Hill

<http://thehill.com/policy/energy-environment/379982-new-bill-would-publicize-trump-administrations-officials-flying>

Dem senator introduces bill to publicize Trump officials' flying

By Miranda Green, 3/23/18, 3:20 PM

A Democratic senator introduced legislation on Friday that would mandate Trump administration officials share their travel schedule and flight class publicly in an effort to curb improper government spending.

The Federal Travel Transparency Act introduced by Sen. Tammy Duckworth (D-Ill.) seeks to prevent federal officials from misusing taxpayer dollars. The bill specifically nods to the heads of the Interior Department, Environmental Protection Agency (EPA) and Treasury Department, all of whom have been criticized for extravagant travel on chartered planes or in first class.

"Every public servant has a responsibility to be a good steward of public dollars but it's clear that Donald Trump and his Cabinet secretaries do not always see it that way," Duckworth said in a statement. "When Trump Administration officials spend thousands of taxpayer dollars to charter a private or military plane or purchase a first-class ticket, they should — at the very least — be required to tell the American people who are bankrolling their luxurious travel why it is necessary."

Specifically, the bill would require the government to disclose on a public website the official air travel activities of agency leaders every few months. The disclosures would include trip duration, destinations and the number of employees on the trip as well as justification for the travel and the associated costs.

Duckworth argued that the new process established under the bill would cut back on Freedom of Information Act (FOIA) requests made for travel summaries and in turn save government resources and time.

A number of government agencies including the EPA and the Interior Department have blamed a backlog in FOIA requests for slow response times, often coming months later than legally required.

A government watchdog is investigating Interior Secretary Ryan Zinke for using taxpayer-funded charter and military planes to travel between work events and personal and political appearances, including a trip he took to Las Vegas over the summer to talk to a professional hockey team. The department is also under fire for signing off on a \$139,000 project to update doors in Zinke's office.

EPA administrator Scott Pruitt is under fire this week for spending \$105,000 on first-class flights in his first year in Washington, which does not include the cost of first-class travel for his security team. A government watchdog also previously filed an ethics complaint against him for authorizing the EPA to spend what is now estimated to be \$43,000 to build a soundproof booth in his office.

EPA declined to give a comment but pointed to interview's Pruitt previously did with CBS and Portland-based radio host Lars Larson, where the administrator said his next flight would be on coach, and compared his international travel total to that of his predecessors in the Obama administration.

Interior did not respond to a request for comment.

The House Oversight and Government Reform Committee, led by Rep. Trey Gowdy (R-S.C.), has requested information from both departments regarding Zinke's and Pruitt's spending. Gowdy sent his request to Zinke Friday. EPA says it has responded to Gowdy's request.

Duckworth argued that her bill would help bring transparency to Cabinet officials' spending practices.

"By shining a light on the travel practices of Trump Cabinet officials, this bill would protect taxpayers from the Trump Administration's wasteful spending on needless luxury travel," she said.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130386337&item=408&prod=deln&cat=AGENCY

House-Sought Superfund Change Would Help Firms With Multiple Sites

By Sylvia Carignan, 3/26/18

Companies that are cleaning up multiple contaminated rivers and harbors would benefit from a congressional request for the EPA to standardize its cleanup plans, attorneys handling Superfund matters for companies told Bloomberg Environment.

The language is part of a House [memo](#) accompanying the [government spending bill](#), released March 21. If the Environmental Protection Agency takes up the House request, regional offices would be more likely to select a single cleanup plan for contaminated sediment sites. That would enable companies with sediment expertise to deal with them more efficiently, according to Douglas Arnold, a partner in law firm Alston & Bird LLP's Atlanta office.

Companies involved with multiple sediment sites include Arkema Inc., Chevron Corp. and Honeywell International Inc.

The EPA and companies generally agree on a middle-of-the-road cleanup method, which is less costly than dredging a river but more environmentally protective than leaving contamination in place, Arnold told Bloomberg Environment March 23.

The issue is that some EPA regional offices are not as experienced with sediment cleanup and choose less effective or more expensive cleanup plans, he said.

The House memo encourages the agency to make sure its sediment guidance is applied consistently across its regional offices. The EPA told Bloomberg Environment it would be unable to comment on the memo until the week of March 26.

For sites with anticipated cleanup costs above \$50 million, also known as mega-sites, EPA Administrator Scott Pruitt decides on the final remedy, but his decisions lean on regional expertise.

The agency emphasized national consistency in remedy selection and speeding up remedies, in the Superfund task force [recommendations](#) that Pruitt endorsed in 2017.

Price Tags

Superfund sites with contaminated sediment often have high-cost remedies. The Hudson River Superfund site is the most expensive project, at about \$1.7 billion, said Walter Mugdan, acting deputy regional administrator at the EPA's Region 2 office in New York. Mugdan spoke Feb. 8 at a conference co-sponsored by the American Law Institute and the Environmental Law Institute.

Other billion-dollar Superfund sediment cleanup projects include the Passaic River in New Jersey, Fox River in Wisconsin, and New Bedford Harbor in Massachusetts.

The preferred method of cleanup involves three steps: treating areas with high levels of contamination, placing protective caps over less-contaminated areas, and monitoring the health of the water body for the next few years.

Dredging large areas to remove contaminated sediment is one of the most expensive cleanup options for those sites, but few reliable options are available, said Todd Bridges, senior research scientist at the U.S. Army Corps of Engineers.

"There are more varieties of mustard on the grocery store shelf than there are methods for us to deal with this," Bridges said at a Department of Defense Strategic Environmental Research and Development Program conference last November.

Further Review

The House memo calls for the EPA to involve two internal boards throughout the Superfund remedy selection process: the Contaminated Sediments Technical Advisory Group and the National Remedy Review Board.

The Contaminated Sediments Technical Advisory Group helps EPA regions consistently investigate and manage contaminated sediment sites. The group generally has one representative from each region.

The National Remedy Review Board, which is comprised of EPA managers and senior technical and policy staff, reviews proposed cleanup decisions to ensure their consistency with Superfund law, regulations and guidance. The board reviews all final cleanup decisions for mega-sites.

Those boards are usually involved in sites under their purview toward the end of the remedy selection process, Peter DeFur, president of the consulting firm Environmental Stewardship Concepts LLC, told Bloomberg Environment. Involving the boards early on could slow down the remedy selection process, he said.

The EPA plans to create timelines for remedy review and has developed a review process for the administrator at Superfund mega-sites, according to the task force's first-quarter report.

New York Times

https://www.nytimes.com/2018/03/26/lens/the-superfund-sites-of-silicon-valley.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

The Superfund Sites of Silicon Valley

By Evelyn Nieves, 3/26/18

Federica Armstrong discovered when she moved to Palo Alto, Calif., that Silicon Valley is not what it seems.

The world's capital of tech innovation prefers to keep its superlatives, good and bad, under wraps. Along its Prius-choked roads, it looks like Anywhere, U.S.A.: single-family-home suburbs south of San Francisco, bordered by chain stores, auto dealerships and corporate parks — lots of beige, boxy corporate parks.

Inside these plain vanilla buildings, where C.E.O.s in hoodies and jeans stockpile more money than the G.D.P. of developing countries, newly minted techies complain that "S.V.," the world's largest wealth generator, is too expensive and that its exhausting work culture is toxic.

So, too, is the land beneath their feet.

From its origins as a manufacturer of silicon chips and semiconductors, Santa Clara County is riddled with 23 toxic Superfund sites, more than any county in the country. This was news to Ms. Armstrong, who lives a mile from one of the sites. Ms. Armstrong, a freelance photographer, moved to Silicon Valley eight years ago not because of tech but in spite of it — she and her husband had followed his career in agribusiness from Malaysia to the Netherlands and Japan. She could ignore the world of start-ups — until she couldn't.

The issue is no secret — Silicon Valley government officials are well-schooled on the sites and news organizations have written about them. Still, Silicon Valley's Superfund sites rarely make news. Like other problems simmering below the surface — Facebook's allowing millions of profiles to be used to aid political campaigns without users' knowledge, say — it takes viral headlines to bring the issue to the public's attention.

From a story in The Palo Alto Weekly, Ms. Armstrong learned that the Environmental Protection Agency had officially declared trichloroethylene (TCE), a solvent commonly found in degreasing agents, spot cleaners and old Silicon Valley semiconductor plants, a carcinogen. The compound is linked to heart malformations in exposed fetuses and wreaks havoc on the liver, kidneys and brain. The chemical was heavily used in the production of semiconductors and is the main toxin in 23 Superfund sites throughout the county.

Some of these sites, still under remediation, contain fully occupied office buildings, others are in or near parks and playgrounds. One, a former Hewlett-Packard property, is a soccer field within walking distance from where Ms. Armstrong lives.

"I wasn't aware of Superfund sites," she recalled, "and got intrigued by the notion of so many sites, 23, in Santa Clara County." When she began to research the sites, she was struck by how many looked like ordinary places, with people going to and fro.

"So many, albeit still contaminated and in the process of being cleaned up, are used for a number of activities and commercial enterprises," she said.

The companies that used TCE did so not knowing it would contaminate the soil and groundwater and take decades to clean up. Ms. Armstrong found out that the work done by the E.P.A. in Silicon Valley over the last 20 to 30 years to remediate contamination have set the standards for how Superfund sites are managed nationwide.

In some cases, however, the underground contamination has moved beyond the boundaries of the Superfund sites. "Vapor intrusion, when chemicals evaporate inside buildings and people are exposed to them, is a problem that needs ongoing monitoring," Ms. Armstrong said.

She became a Superfund expert by poring over pages on the E.P.A. website and visiting every single site in Santa Clara County. The slow process of making images with a medium-format camera allowed her to take her time documenting what, at first glance, look like ordinary buildings and grounds. Her project, "In Plain Site" will eventually take her to all the Superfund sites in California — more than 100 of them.

Until then, her goal is to expose the issue to as wide an audience as possible, at least throughout Silicon Valley. With the Trump administration threatening significant cuts to the E.P.A. budget, including a 25 percent decrease in Superfund site cleanup, the issue needs wider awareness, she said. "Most sites are currently occupied by offices, some house some of the most prestigious companies of Silicon Valley," she said. But others, she added, are completely obscured by their new life as retail spaces and private residences.

"Most people I talked to in the community seemed unaware of their presence," she said. "Often, even the notion of Superfund sites is foreign to many people. We are used to taking for granted the safety of the environment we inhabit. I feel the need to pay more attention to it."

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/states-plan-to-sue-epa-over-missed-landfill-methane-deadlines-891891>

States plan to sue EPA over missed landfill methane deadlines

By Alex Guillen, 3/23/18, 4:12 PM

California and seven other states say they will sue EPA for missing key enforcement deadlines for a rule limiting methane emissions from landfills.

The 2016 rule was an update to 20-year-old regulations targeting landfill methane, as well as volatile organic compounds and other pollutants.

EPA had a statutory deadline to approve or disapprove state-submitted plans to address landfill methane by Sept. 30, 2017. And EPA was supposed to issue a federal plan by Nov. 30, 2017, for any state that did not submit a plan or had a plan rejected. The agency missed both those deadlines, the states complain.

The agency is reconsidering the rule, along with a related regulation setting standards for new landfills. EPA earlier this year dropped plans to issue a long-term delay of both rules.

EPA said in 2016 that this rule would have net benefits of \$444 million and reduce methane emissions by 290,000 tons annually once fully implemented in 2025.

“EPA Administrator Pruitt has a legal responsibility to enforce this critical landfill methane regulation. If he fails to do his job, our coalition is ready to go to court,” California Attorney General Xavier Becerra said in a statement.

States involved in the lawsuit include California, Illinois, Maryland, New Mexico, Oregon, Pennsylvania, Rhode Island and Vermont.

WHAT’S NEXT: The states can file their lawsuit after 60 days.

The Hill

<http://thehill.com/policy/energy-environment/380008-states-threaten-to-sue-trump-epa-for-delay-in-enforcing-landfill>

States threaten to sue Trump EPA for delay in enforcing landfill pollution rule

By Timothy Cama, 3/23/18, 4:19 PM

Seven Democratic states on Friday threatened to sue the Trump administration for its delay in enforcing an Obama administration rule on air pollution from landfills.

The Environmental Protection Agency (EPA) was supposed to, by Nov. 30, approve state plans to comply with the 2016 landfill methane rule or impose federal compliance plans on states that do not comply.

But the agency did not complete that step of the process, which the states say is a violation of the EPA’s responsibilities under the Clean Air Act.

“Climate change is the most important global environmental issue of our time. We must act to address it now for the sake of our children,” California Attorney General Xavier Becerra (D), who is leading the effort, said in a statement.

“EPA Administrator [Scott] Pruitt has a legal responsibility to enforce this critical landfill methane regulation. If he fails to do his job, our coalition is ready to go to court.”

The states are obligated under the Clean Air Act to file notice 60 days before they can file a lawsuit.

The EPA did not respond to a request for comment.

Blue states have filed dozens of lawsuits or other challenges against the Trump administration, including many on environmental or energy policy issues. In the environmental arena, Becerra alone has achieved nine legal victories and has not lost any case.

The 2016 landfill rule was meant to reduce the output of methane from landfills. Decomposition creates methane, a greenhouse gas that is at least 80 percent more potent than carbon dioxide.

The rule was part of an administration-wide crackdown on methane emissions under former President Obama. But it faced opposition from industry and Republicans, who complained that it was too costly to implement.

In May, Pruitt said he would reconsider the regulation and put a 90-day halt on its implementation. But that halt didn’t explicitly change the deadlines for states or the EPA to take action.

Pruitt still hasn't said what, if any, parts of the rule he's interested in changing and hasn't indicated if he has finished the reconsideration process.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/environmental-groups-sue-epa-for-easing-rules-on-major-polluters>

Environmental groups sue EPA for easing rules on 'major' polluters

By Josh Siegel, 3/26/18, 12:55 PM

A coalition of environmental groups sued the EPA Monday for withdrawing a policy that imposed strict limits on hazardous air pollutants from factories, plants and other types of facilities considered "major" polluters.

Under the "once-in-always-in" policy, established in 1995, major polluters failing to meet certain emission thresholds were required to meet those standards from then on, even if the facility made changes to reduce its pollution.

With the new Trump administration policy, issued in January, facilities labeled as "major sources" of pollution may be reclassified as "area" sources when they limit their potential to emit pollution.

Environmentalists say the EPA's change would allow facilities to emit more pollution. Seven environmental groups, including the Sierra Club and Natural Resources Defense Council, filed suit in the D.C. Circuit Court of Appeals, arguing the EPA violated the law by not subjecting the move to public comment.

The EPA says the "once-in-always-in" policy has discouraged facilities from implementing pollution control technology to reduce emissions.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/greens-sue-epa-over-once-in-always-in-policy-reversal-893951>

Greens sue EPA over 'once in, always in' policy reversal

By Alex Guillen, 3/26/18, 11:23 AM

Seven environmental groups today sued EPA over its January change to how major emitters like power plants are classified under the Clean Air Act, a move they complain could let sources drastically increase pollution but that was never subject to public comment.

In his January memo, EPA air chief Bill Wehrum reversed the so-called once in, always in policy that meant any source that initially qualified as a "major" source of pollution would always be subject to those tougher standards, even if their emissions dropped low enough to qualify for a category with less stringent requirements.

EPA argued that the change would allow emitters to move forward with new projects that could actually reduce emissions.

In a statement, the green groups argued that thousands of power plants, refineries, smelters, paper mills and other sources of pollution will now be able to attenuate or turn off their pollution controls, increasing emissions.

“For decades, polluters have been able to meet this Clean Air Act requirement, and the administration’s decision to grant them this toxic loophole is as heartless as it is reckless,” said Mary Anne Hitt of the Sierra Club’s Beyond Coal campaign.

A report released today by the Environmental Integrity Project, one of the groups suing EPA, looked at 12 Midwest plants and concluded that the change could let sources to quadruple their emissions of pollutants ranging from lead to benzene to acid gas.

WHAT’S NEXT: EPA will defend the change before the D.C. Circuit Court of Appeals.

The Hill

<http://thehill.com/policy/energy-environment/380312-green-group-sue-to-stop-new-epa-loophole-for-power-plant-emissions>

Green groups sue to stop EPA rule change for power plant emissions

By Miranda Green, 3/26/18, 2:02 PM

A number of environmental groups filed a lawsuit against the Environmental Protection Agency (EPA) on Monday challenging a recent administrative decision to allow certain major power plants to turn off some pollution controls.

The petition for review filed by the Sierra Club, the Environmental Defense Fund and the Natural Resources Defense Council, among others, asks the court to reconsider the rule change by EPA that environmentalists consider a loophole for polluters under the Clean Air Act.

“Once again, the Trump administration is putting the health of polluter balance sheets over the health of our families and children,” said Mary Anne Hitt, director of Sierra Club’s Beyond Coal campaign, in a statement. “For decades, polluters have been able to meet this Clean Air Act requirement, and the administration’s decision to grant them this toxic loophole is as heartless as it is reckless. Real people will pay the price with this cruel decision and we will do everything we can to stop it.”

In January, the agency loosened regulatory compliance standards for certain sources of air pollution previously considered “major.”

William Wehrum, head of the EPA’s air office, put out regulatory guidance repealing the “once in, always in” policy. That policy saw that facilities, such as power plants or factories, considered “major” sources of hazardous air pollutants were always regulated as such, even if the facilities’ owners took measures to reduce pollution.

Wehrum said the new guidance would “reduce regulatory burden for industries and the states, while continuing to ensure stringent and effective controls on hazardous air pollutants.”

The previous standard had been enforced since 1995. “Major” air pollution sources are subject to much stricter rules for what they must do to reduce emissions such as mercury compounds and benzene.

The EPA argued that the “once in, always in” standard disincentivized companies from reducing pollution and targeted it as part of the Trump administration’s overarching goal of cutting regulatory burdens.

The four page memorandum was published to the Federal Register without notice or a public comment period.

Environmental groups say the new changes would allow thousands of major polluters across the country to stop meeting requirements under the Clean Air Act.

"EPA is inviting companies to save a few bucks by reducing their use of pollution control systems they've been running for years, even if that dumps more toxic air pollution on their neighbors," said Eric Schaeffer, executive director of the Environmental Integrity Project (EIP) in a statement. "Let's hope the court sees through this give-away and blocks the Trump team's latest effort to unravel the Clean Air Act."

A report by EIP released Monday examined how the EPA changes would effect emissions at 12 industrial facilities in Ohio, Illinois, Indiana, Michigan and Minnesota. The group found that the policy change could allow "major" plants to quadruple their emissions of toxic air pollution.

The EPA did not return a request for comment.

The Detroit News

<https://www.detroitnews.com/story/news/politics/2018/03/23/ford-manager-epa-nomination/33223545/>

Ford manager picked for EPA's international office

By Melissa Nann Burke, 3/23/18, 6:54 PM

Washington — President Donald J. Trump intends to nominate Ford Motor Co.'s manager of global environmental policy to lead the Office of International and Tribal Affairs at the U.S. Environmental Protection Agency, the White House said Friday.

W. Charles "Chad" McIntosh, an attorney and engineer from Michigan, has worked for Ford for nearly 20 years. Prior to that, he worked as deputy director for the Michigan Department of Environmental Quality under Republican Gov. John Engler for seven years.

At Michigan's DEQ, McIntosh supervised regulatory reform and criminal investigations and directed the development of administrative rules for the state, according to EPA.

"Chad will bring a wealth of experience and expertise to EPA," EPA Administrator Scott Pruitt said in a statement.

"His unique background as an engineer and an attorney in global environmental compliance makes him a valuable asset and well-suited to lead the Office of International and Tribal Affairs."

At Ford, McIntosh led efforts to implement environmental compliance operating systems for all U.S, Canadian and Mexican assembly plants, and provided environmental regulatory compliance, permit development and enforcement negotiations for the company's manufacturing facilities, according to EPA.

Chuck Hadden, president and chief executive officer of the Michigan Manufactures Association, said McIntoch has extensive knowledge of the regulatory challenges facing the states.

"His work as Gov. Engler's environmental adviser led to positive improvements to Michigan's regulatory structure," Hadden said in a statement.

G. Tracy Mehan, III, former director of the Michigan Office of the Great Lakes, said he worked with McIntosh on Great Lakes and other environmental issues.

"I can testify to his solid technical, policy and legal expertise as both an engineer and an attorney," Mehan said in a statement. "He was a conscientious public servant and an outstanding conservationist."

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130386341&item=408&prod=deln&cat=AGENCY

Senate Tees Up Confirmation Vote for EPA Nominee Wheeler

By Patrick Ambrosio, 3/26/18

The Senate set up a confirmation vote for former congressional staffer and lobbyist Andrew Wheeler to serve in the No. 2 job at the EPA.

Senate Majority Leader Mitch McConnell (R-Ky.), early March 23, filed a procedural motion to limit debate on the nomination of Wheeler to serve as deputy administrator of the Environmental Protection Agency. That action sets up a confirmation vote when the Senate returns from recess in early April.

Wheeler is an attorney at Faegre Baker Daniels in Washington, where he has lobbied on behalf of coal giant Murray Energy Corp. and other companies. Prior to that, Wheeler was majority staff director and chief counsel for the Environment and Public Works Committee where he worked on various environment and energy-related legislation. Wheeler has some direct EPA experience: he spent four years working at the agency during the George H.W. Bush and Clinton administrations.

The confirmation vote could come just in time for the agency: Mike Flynn, a career employee currently serving as the acting deputy administration, is set to retire April 3 after nearly four decades at the agency.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/what-do-offshore-drilling-and-toys-r-us-have-in-common>

What do offshore drilling and Toys R Us have in common?

By John Siciliano, 3/24/18, 12:01 AM

The Environmental Protection Agency has added officials from a noted offshore drilling company and the prominent Environmental Defense Fund to its chemical safety advisory committee.

The additions are required under the updated Toxic Substances Control Act law that requires more diverse membership on the agency's Science Advisory Committee.

EPA Administrator Scott Pruitt announced the 11 new committee members Thursday to supplement the 18 people appointed in January 2017 — including a former Toys R Us executive.

Under the chemical safety law, the committee "is required to include representatives from multiple sectors, including: science, government, labor, public health, public interest, animal protection, and industry."

Houston offshore drilling company Noble Energy is one of the standouts in the list of new members. The company has become well-known for the discovery of the giant Tamar natural gas field in the eastern Mediterranean off the shore of Israel.

Israeli officials have been in the U.S. recently talking up their plans for developing the field and creating new inroads for exports to Europe and Egypt.

Those plans could dovetail nicely with Trump's energy dominance agenda, which plays up energy exports from the U.S.

The company announced this week that it sold off a 7.5 percent stake in the Tamar field, retaining a 25 percent stake in the giant energy find.

It doesn't hurt that Sidney Marlborough, who will be joining the committee, is a senior environmental toxicologist with Noble Energy. He is responsible for the company's chemical stewardship program, which EPA says is "responsible for the risk evaluation of new products for oil and gas exploration and production."

Marlborough will be joining the likes of Alan Kaufman, a vice president at the Toy Industry Association. Kaufman was part of the group selected by the EPA in January 2017.

Kaufman had been vice president for regulatory affairs and product safety at Toys R Us Inc., which recently announced it will be closing its national chain of giant toy stores.

The EPA is also adding a top environmental activist group, the Environmental Defense Fund, to the committee.

It is the first environmental group to be included on the chemical committee under Pruitt's watch. Jennifer McPartland, who will be joining the committee, is a senior scientist at the group who supports the environmental organization's efforts to ensure the implementation of the Toxic Substances Control Act.

Pruitt also added Michael Wilson from the BlueGreen Alliance, a coalition of large labor unions and environmental groups.

Pruitt said he hopes that "broader representation" on the key chemical advisory committee "will work to advance the agency's efforts to get the most modern and safe chemicals to market quickly in order to provide regulatory certainty for manufacturers and confidence for American consumers."

Real Clear Policy

https://www.realclearpolicy.com/articles/2018/03/26/pruitt_leads_the_way_on_regulatory_rollback_110563.html

Pruitt Leads the Way on Regulatory Rollback

By Ken Cuccinelli, 3/26/18

This month, the Environmental Protection Agency released its EPA Year in Review for 2017–2018. To call it impressive would be a gross understatement. With Administrator Scott Pruitt leading the charge, the agency has shown unrivaled commitment to carrying out the president's agenda of deregulation.

Before taking over at the EPA, Pruitt was as a leading opponent of regulatory overreach by the agency. As general of Oklahoma, for instance, he dissolved the Environmental Protection Unit and instead created a Federalism Unit to fight President Obama's aggressive regulatory agenda. He brought more than a dozen lawsuits against the EPA, fighting such rules as the Cross State Air Pollution Rule and the Clean Water Rule, and successfully challenging the Clean Power Plan.

Now, as EPA administrator, Pruitt is taking even more direct action and doing so in a cooperative and transparent manner. When Office of Management and Budget Director Mick Mulvaney discussed the deregulation effort at the Conservative Political Action Conference last month, he highlighted the rules that were top priority for the administration's regulatory roll back: the Waters of the United States rule and the Clean Power Plan. Both fall within Pruitt's jurisdiction at the EPA. No surprise that action on EPA regulations has moved to the forefront of the administration's agenda.

From his first days at the agency, Pruitt took steps to facilitate cooperation with the states on environmental policy. Federalism is an essential principle of American governance, and Pruitt has put this principle into practice. During his first year, Pruitt travelled to 30 states to discuss the EPA's work, personally meeting with 34 governors — Democrats and

Republicans — as well as over 350 stakeholder groups. This level of personal involvement is nearly unparalleled, even inside an administration with such a clear focus on deregulation. And it is paying dividends.

The EPA Year in Review booklet is nearly 40 pages long, outlining the regulatory rollback, increased transparency, and government reform measures accomplished in the last year alone. This includes finalizing 22 deregulatory actions and savings of more than \$1 billion in regulatory costs, which previously fell on Americans' shoulders. By comparison, a similar document out of the Department of Labor, headed by Secretary of Labor Alexander Acosta, is only four pages long.

As he says in a letter at the front of the EPA Year in Review, Administrator Pruitt "look[s] forward to working together to accomplish even more progress in 2018." We applaud Mr. Pruitt's accomplishments in his first year as head of EPA, and hope that his success provides an example to other agencies. Executive agencies can take the lead on growing the economy by freeing Americans from excessive regulatory burdens. This, the EPA — with Pruitt at the helm — has proven.

News Oklahoma

<http://newsok.com/article/5588210/ban-on-secret-science-in-epa-regulation-makes-sense>

Ban on "secret science" in EPA regulation makes sense

By The Oklahoman Editorial Board, 3/26/18, 12:00 AM

THE Environmental Protection Agency has announced it will now base new regulations only on the findings of scientific studies whose data and methodology are made public so they can be subjected to independent review. That's a sound move in line with basic scientific transparency and professionalism.

Yet it's being treated as a sign of impending apocalypse by some on the left, which says much about the questionable validity of that group's policy prescriptions.

In an interview with The Daily Caller News Foundation, Administrator Scott Pruitt said the EPA will end its use of studies that do not publish underlying data, only conclusions. "Otherwise, it's not transparent. It's not objectively measured, and that's important," Pruitt said.

In the past, the EPA has advanced air-quality regulations that imposed massive costs based primarily on the findings of two studies done in the 1990s that linked fine particulate pollution to premature death. Neither study made associated data public.

U.S. Rep. Lamar Smith, R-Texas and chairman of the House Committee on Science, Space and Technology, has long criticized the use of "secret science" and authored legislation to curtail its use by regulators. Last year, Smith said the EPA had "routinely relied on questionable science based on nonpublic information that could not be reproduced, a basic requirement of the scientific method."

"Americans deserve to see the science for themselves," Smith said. "If the EPA has nothing to hide, why not make the scientific data it uses for its regulations publicly available? What was the EPA hiding?"

That will strike most people as a fair question. But to some activists, the idea that science should involve review and scrutiny is apparently anathema. In response to a prior effort to ban "secret science" at the EPA, Andrew Rosenberg, director of the Union of Concerned Scientists' Center for Science and Democracy, said transparency would "gut the EPA at the expense of public health and safety."

That same group has claimed release of data would require publicizing the confidential patient data of individuals. But Steve Milloy, publisher of JunkScience.com and a senior fellow at the Energy and Environmental Legal Institute, notes

that California already makes similar data available in its “Public Use Death Files,” and that has been accomplished without violating patient privacy.

Other critics object that there are costs involved in scrubbing data sets so patient privacy is protected. Perhaps, but that doesn't mean the public should be kept in the dark about the data and methods used to justify literally billions in new regulatory burden.

Scientific studies are as susceptible to human error and even outright fraud as any other endeavor — particularly when such studies are used in the political realm. Facilitating transparency and independent review will reduce the chances of bad science harming Americans with half-baked regulations, and should enhance the case for regulations when the underlying science has withstood independent scrutiny.

Given the stakes for public health and the national economy, Americans must be assured government regulations are based on sound science, not someone's “trust me” assurances.

AP

<https://apnews.com/19a4c214362b4999a08e5c170f9e429b/EPA-removing-lead-contaminated-soil-from-Detroit-park>

EPA removing lead-contaminated soil from Detroit park

3/23/18

DETROIT (AP) — The U.S. Environmental Protection Agency has started removing lead-contaminated soil from a small park on Detroit's eastside.

The EPA says in a release Friday that the contamination was found at Collins Park when city crews were installing playground equipment.

Workers came across blue soil mixed with demolition debris used as fill at the site. Lead contamination also was found in a soil pile left from the playground excavation.

Cleanup of the contaminated soil is estimated to take about six weeks. The city then will use clean soil as backfill and complete restoration of the park.

Lead poisoning has been linked to brain development problems in children.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/ethanol-industry-ire-grows-as-deadline-in-oil-refinery-case-nears>

Ethanol industry ire grows as deadline in oil refinery case nears

By John Siciliano, 3/26/18, 1:28 PM

The ethanol industry is fighting a proposed settlement between the Environmental Protection Agency and a major East Coast refinery that would give the company a pass in complying with the nation's ethanol mandate.

Monday night is the deadline for filing protests in bankruptcy court over the EPA and Justice Department's settlement with Philadelphia Energy Solutions.

The Philadelphia refiner is the East Coast's largest fuel producer, but it filed for bankruptcy protection in January, blaming the EPA's Renewable Fuel Standard and the price of ethanol credits, or renewable identification numbers, for its financial woes.

It spent hundreds of millions of dollars buying RIN credits because it cannot blend ethanol.

The EPA settled with the refinery this month, saying that even though it did not have enough RINs to comply with the ethanol mandate, the agency would count the RINs the refiner did have to fulfill its obligation and let it off the hook.

The settlement has stoked the ire of the ethanol industry, which is protesting the settlement in formal filings in bankruptcy court in Delaware, where the EPA settlement is pending.

In comments to the Justice Department, the ethanol lobbying group Growth Energy argues that "the current EPA-PES settlement agreement would absolve the refinery of key obligations under the Renewable Fuel Standard."

Growth Energy CEO Emily Skor said the proposed settlement, filed as part of the company's bankruptcy proceeding, "sends the wrong message to industry stakeholders, implying that there are no consequences for violating the law."

Skor argues that the large holding company that owns the refinery, the Washington-based Carlyle Group, "pulled hundreds of millions of dollars out of the company and failed to make the clean energy investments that have allowed other refiners to thrive."

The group argues the EPA "should not reward the Carlyle Group" by allowing the Philadelphia refiner "to escape more than 70 percent of its obligations under the Clean Air Act."

Skor suggested the settlement also reflects EPA's pledge to end the process known as sue-and-settle, in which environmental groups use legal means to force environmental policy decisions.

She said Pruitt is doing something similar with the ethanol case. "If this sue-and-settle-style settlement is approved, it sends a terrible message to investors who have played by the rules," Skor said. "With farm income at a 12-year low, rural America can't afford another handout to refinery owners."

The settlement action follows weeks of talks among President Trump, his advisers, lawmakers and the oil and ethanol industries to find a solution to help refiners contend with the high price of RINs, while keeping the ethanol mandate intact so that Trump can keep a promise he made to corn farmers.

Industry lobbyists and those tracking the discussions anticipate Trump to be given a list of options on how to proceed in resolving the fight. Agriculture Secretary Sonny Perdue told reporters last week that the president is not likely to adopt a RIN waiver that some GOP senators such as Ted Cruz, R-Texas, have urged him to adopt administratively through the EPA.

Perdue also said the president is leaning toward allowing Congress to address the issue through legislation. Members of the Republican leadership are developing legislation to overhaul the RFS.

Washington Examiner

<https://www.washingtonexaminer.com/news/gina-mccarthy-scott-pruitt-has-no-idea-what-hes-doing-at-epa>

Gina McCarthy: Scott Pruitt has no idea what he's doing at EPA

By Daniel Chaitin, 3/24/18, 7:11 PM

Former EPA Administrator Gina McCarthy suggested Friday evening her successor at the agency, former Oklahoma Attorney General Scott Pruitt, has no idea what he is doing.

During an appearance on HBO's "Real Time with Bill Maher," McCarthy was asked "how bad is it" under Pruitt. "It couldn't be worse, right?" asked host Maher.

"It's true," she replied. "The only thing that could be worse is if he actually knew what he was doing."

She went on to say Pruitt, who has worked to dismantle the Obama-era regulatory legacy, has waged an "all-out on the agency."

"He's making some policy decisions. But in the end he's trying to get rid of a lot of rules that were put in place that were done well and every time there have been challenges in court, he's going down," she added.

USA Today

<https://www.usatoday.com/story/opinion/2018/03/26/donald-trump-scott-pruitt-protect-industries-not-health-epa-retiree-column/421845002/>

I used to work at the EPA. Now I have lung disease and depend on it.

By John Kennedy, 3/26/18, 6:00 AM

I'm now retired and need the air quality tracking I helped launch at EPA. But Donald Trump and Scott Pruitt are protecting special interests instead of our health.

For more than 30 years, I was a proud employee of the Environmental Protection Agency's Pacific Southwest regional office in San Francisco. My job was to help develop systems to protect clean air and mitigate toxic contamination. I'm particularly grateful for the work I did on emergency response measures that set up monitoring and reporting systems to inform the public of the impacts of disasters such as wildfires on air quality.

My greatest reward came from working with the women and men at EPA. Their service, professionalism and dedication to clean up our air, water and land, and to protect the public's health, were an inspiration that provided motivation throughout my career to do my best as a public servant.

My personal connection to the EPA and appreciation for its mission make it especially disheartening to see the level of vilification and animosity aimed at the agency since the dawn of the Trump administration. EPA Administrator Scott Pruitt is determined to undermine the EPA's ability to regulate pollution and conduct scientific research. Instead, he's focusing on boosting industry profits.

Meanwhile, Trump and his allies in Congress have proposed drastic budget cuts that would bring the EPA staffing levels to their lowest in 30 years and strip funding for programs that protect the air we breathe and the water we drink. Thankfully Congress rejected Trump's plans to slash the budget, but the proposals we've seen remind us how fragile funding can be from one fiscal year to the next.

This abrupt shift in agency purpose away from safeguarding our health to protecting special interests is particularly alarming. But it wasn't always this way. The EPA started during a Republican administration, and for nearly five decades the agency's career staffers have dutifully performed the work that the public entrusts them to do — keeping the environment clean and safe for our kids and grandkids.

Now, as a retiree and grandfather, I see the need for robust environmental protections more than ever. I was recently diagnosed with advanced stage lung disease and must pay careful attention to air quality. During last fall's Western

wildfires — among the worst in recorded history — the very program I helped launch was on the ground monitoring the air, collecting data and putting out timely and accurate public health messages for people like me.

Thanks to partnerships across federal, state, local and tribal agencies, I became a direct beneficiary of the work I did during my career at EPA.

When the president and Congress slash federal agency budgets, the impact reverberates far beyond Washington. It means states that rely on EPA grants to help keep toxic pollutants out of the air have less money for air quality programs, whether they are in response to a disaster or to keep the air safe for children as they walk to school every day.

My granddaughters, Clare and Chloe, have reinforced my gratitude for the agency, and made me an advocate for the work it does to preserve a safe environment for generations to come. Clare, Chloe and all kids in this country deserve the opportunity to grow up healthy and to enjoy the outdoors. The EPA is crucial to achieving this, and it's up to Trump and Congress to support the funding EPA needs to carry out its mission.

John Kennedy is a retired federal employee who worked at the EPA's Region 9 office, serving the Pacific Southwest region of California, Nevada and Arizona.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060077431/search?keyword=EPA>

Deals give companies more time to pollute

By Sean Reilly, 3/26/18

An enforcement breakthrough a decade in the making was unveiled in December: Three manufacturers of a sooty oil-based product known as carbon black had agreed to slash air pollution by thousands of tons each year.

But there was a twist.

As they cracked down on those three firms, U.S. EPA and the Justice Department were quietly angling to ease up on two others.

Cabot Corp. and Continental Carbon Co. had previously reached their own settlements with the government. In what former EPA officials describe as an unusual move, federal regulators have agreed to give them years longer to install new pollution controls, according to court filings.

And there was another wrinkle: Helping engineer the package deal was former Sen. David Vitter (R-La.), who became a lobbyist after leaving Congress last year, according to records and interviews.

For Boston-based Cabot, which came to terms with EPA in 2013 and is now facing higher-than-anticipated cleanup costs, the amended agreement will even the field with its later-settling rivals, said Martin O'Neill, senior vice president for safety, health, and environment and government affairs at the speciality chemicals manufacturer.

"We couldn't be more pleased with where the industry is right now," O'Neill said in an interview.

But for people living near the two companies' plants, the upshot could be dirtier air for years to come. "It is outrageous that we have not been given any indications that there could be a delay in the implementation," said Casey Camp-Horinek, a council member of the Ponca Tribe of Indians in north-central Oklahoma, in an email after learning of the proposed extension from a reporter.

"The EPA has totally failed in its trust responsibility to the Ponca Tribe," she said.

Continental Carbon has a plant nearby. Almost a decade ago, the Houston-based firm paid \$10.5 million to settle a class-action lawsuit brought by the tribe and landowners over what court filings described as "black dust" that blanketed the area.

Even now, Camp-Horinek said, the dust continues to cause health problems. Under its original 2015 consent decree with EPA, Continental Carbon is supposed to have new soot scrubbers up and running by March 2019. Under the proposed amendment, which still needs a judge's approval, that deadline could be delayed by as much as 2 ½ years until October 2021. The tribe is now seeking formal consultations with EPA over the planned changes, Jason Aamodt, its general counsel, said yesterday.

Following the original settlement with EPA three years ago, Continental Carbon President Dennis Hetu said in a news release that the firm "has always understood and accepted the responsibilities of environmental stewardship." Hetu did not respond to recent email and phone messages seeking comment.

And at virtually the same time that EPA enforcement officials signed off in December on the planned changes to the Cabot agreement, the agency's air office formally designated a central Louisiana area that's home to a Cabot plant in nonattainment with its 2010 primary sulfur dioxide standard (E&E News PM, Dec. 22, 2017).

In the interview, O'Neill stressed that the company is currently operating within its permit limits and settled first because it wanted to set an industry standard. But both of its Louisiana plants have had compliance problems, Wilma Subra, a chemist and technical consultant for environmental groups in the state, said in an interview.

"I think it's great that they settled first as long they implement what they agreed to," Subra said.

Attempts to get comment from EPA were unsuccessful. Phillip Brooks, the agency's air enforcement chief, didn't reply to emailed interview requests accompanied by written questions. At an American Law Institute conference last month, Brooks, a respected career employee, touted the three settlements announced in December as evidence of EPA's commitment to "the level playing field." He made no mention of EPA's simultaneous agreement to stretch out the current compliance timetables for Cabot and Continental Carbon.

EPA press aides also didn't respond to a detailed request for comment. But a half-dozen former EPA enforcement officials interviewed by E&E News could not name an exact precedent for what the government now wants to do.

"I don't know of any [consent decrees] that have been adjusted based on the later settlers getting a better deal," said Julie Domike, a former air enforcement branch chief who is now a partner at the law firm Haynes and Boone LLP. When petroleum refineries tried a similar gambit more than a decade ago, Domike said, EPA turned them down.

To give one company a break to put it on par with its rivals is "atypical in my experience at least," said Joel Mintz, a Nova Southeastern University law professor who has written a history of EPA's enforcement program.

"That's a new one," said Eric Schaeffer, a former EPA civil enforcement chief who now runs the Environmental Integrity Project, a watchdog group critical of the Trump administration's enforcement record (Energywire, Feb. 15).

"They are looking for ways on the regulatory side to let industry slide," Schaeffer said. "I suspect we're going to see some stuff that wouldn't have passed muster in earlier administrations."

At a minimum, the episode testifies to the opaque aftermath that can sometimes follow major enforcement decisions. In a 2015 report, EPA's inspector general found that the agency failed to ensure that power plants and other major polluters were living up to key terms of their respective consent decrees. While EPA officials disputed the extent of the problem, they agreed that settlement monitoring could be strengthened.

Decadelong saga

EPA first began scrutinizing carbon black manufacturers in 2007, under the umbrella of what's known as a national enforcement initiative. Such initiatives typically focus on industries that have had widespread compliance problems.

Over time, the agency has also singled out coal-fired power plants, refineries and cement kilns for similar attention.

The carbon black industry, although small by comparison, would have been a plump target.

U.S. EPA's carbon black industry enforcement initiative

2007

EPA launches initiative.

2010

Discussions begin with Cabot Corp., one of the largest U.S. manufacturers.

NOVEMBER 2013

Cabot Corp. settles.

MARCH 2015

Continental Carbon Co. also signs off on a consent decree.

DECEMBER 2017

EPA and the Justice Department announce settlements with three other producers — Columbian Chemicals Co., Orion Engineered Carbons LLC, and Sid Richardson Carbon and Energy Co. — all on the same day. At the same time, the government proposes amendments to the consent decrees with Cabot and Continental Carbon to push back the deadlines for installation of key pollution controls.

Its signature product, concocted in part by combusting low-grade oil, is a powdery substance used to bolster tire strength. It also serves as a pigment in inkjet toner, cosmetics and other products.

Because that oil has a high sulfur content, the manufacturing process spawns hefty amounts of sulfur dioxide, nitrogen oxides and particulate matter. The three — linked to an array of lung and heart ailments — are among the half-dozen "criteria" pollutants named in the Clean Air Act for which EPA has to regularly review air quality standards.

In the United States, Cabot, Continental Carbon and the three other manufacturers dominate carbon black production, with a total of 15 plants between them, clustered mainly in the rural South. The first settlement, with Cabot, arrived in 2013.

Cabot, following standard practice, didn't admit to alleged violations of EPA's New Source Review permitting program but agreed to install up-to-date pollution controls, including wet gas sulfur dioxide scrubbers and selective catalytic reduction to cut nitrogen oxides emissions.

As described in an EPA news release at the time, the deal was eventually supposed to slash yearly releases of nitrogen oxides (NOx) at the three plants by a cumulative total of almost 2,000 tons. Sulfur dioxide (SO2) emissions would plunge by some 12,400 tons. The estimated price tag: \$84 million.

"With today's commitment to invest in pollution controls, Cabot has raised the industry standard for environmental protection," Cynthia Giles, who then headed EPA's Office of Enforcement and Compliance Assurance, said in the release. "We expect others in the industry to take notice and realize their obligation to protect the communities in which they operate."

Not one of the 15 U.S. plants had controls for either SO2 or NOx, according to the release.

In a national enforcement initiative, the first settlement typically sets a model. Cabot went first "because we are the leader in this industry," O'Neill said. "We felt the right thing to do was to work with EPA proactively and sort out what the best control options were."

But in what O'Neill describes as a surprise, its rivals were slow in arriving at the table. It wasn't until early 2015 that Continental Carbon and EPA reached a consent decree to reduce pollution at plants in Alabama, Oklahoma and Texas (E&E News PM, March 23, 2015).

Almost another three years passed before the other three major makers of carbon black in the United States — Sid Richardson Carbon and Energy Co., Orion Engineered Carbons LLC, and Columbian Chemicals Co. — signed off on proposed settlements this past December.

It wasn't because their operations were trouble-free, documents indicate.

In 2012, for example, EPA had slapped Columbian Chemicals' plants in Kansas and Louisiana with formal violation notices. When inspectors visited one of Sid Richardson's Texas facilities last summer, they found "elevated levels" of potentially lethal carbon monoxide, along with piping and other equipment that was "severely corroded and compromised by holes and cracks," according to the lawsuit that EPA — again following standard practice — filed last December in tandem with the proposed settlement. At the same plant, NOx emissions violated permit limits on at least 37 days within a four-month period, the suit said.

Across the industry, the agency's broader allegations were similar: that companies had made "major modifications" to the plants to ramp up production but without addressing the increased pollution that followed.

Why the final three settlements unveiled in December were so slow in coming is unclear.

Giles, an Obama administration appointee who headed the enforcement office from 2009 to early 2017, declined to comment for the record. John Cruden, who served as acting head of DOJ's Environment and Natural Resources Division in the Obama administration's final years, said in an email he didn't recall when the cases that settled last December arrived at the department. But he added that settlements "are by their very nature voluntary and highly fact specific."

"One should not assume that they were somehow languishing," he said, adding that "it's not unusual for cases with significant injunctive relief to take longer to negotiate." A spokesperson at Georgia-based Columbian Chemicals would only point to the company's December statement that it signed off on the proposed consent decree "as part of our continued commitment to the environment and to ensure" reliable supplies to customers.

Wesley Wampler, vice president of research and environmental affairs at Sid Richardson, headquartered in Fort Worth, Texas, said he had been advised against commenting until the consent decree had been made final.

As of this morning, however, DOJ had not yet sought court approval for any of the three consent decrees announced in December or the proposed amendments affecting Cabot and Continental Carbon, according to online filings.

Asked when the department plans to take that step, spokesman Wyn Hornbuckle said in an email only that DOJ is reviewing public comments on the proposed settlements "and as always will make a determination as to whether any changes are necessary at the conclusion of this review."

Diana Downey, vice president of investor relations at Orion, said the company would have liked to settle sooner but needed approval from its former owner, a German firm that had agreed to foot the bulk of the bill.

"We were ready to get moving on it," she said. "I think our CEO is quite relieved that it's done." Orion, headquartered in Luxembourg, also has its U.S. base of operations in Texas.

Meanwhile, Cabot's estimated cleanup tab was climbing. The company's latest annual report pegs the total capital cost in a range between \$100 million and \$150 million. Some \$60 million has already been spent, O'Neill said.

Enter Vitter, who had once been the top Republican on the Senate Environment and Public Works Committee. After serving two terms in the Senate and making a failed run for the Louisiana governorship, he left Congress in January 2017. Two months later, Cabot became one of his first clients after he joined Mercury Public Affairs, a lobbying firm. Because of a two-year "cooling off" period required by federal law, Vitter is barred for now from directly lobbying his former colleagues. Instead, his work so far has focused on EPA, the U.S. Army Corps of Engineers and other agencies, disclosure reports show.

Cabot had already won EPA approval for a previous change to the consent decree related to development of a waste energy recovery center at one of its Louisiana plants. It didn't need Mercury's assistance to push through another amendment, O'Neill said.

"What we got is help from them to make sure that EPA and the Department of Justice continued to press the entire industry," he said. Told in a follow-up email that he seemed to be suggesting that two federal agencies needed outside prodding to complete a national enforcement initiative, O'Neill reiterated through a spokeswoman that Mercury assisted "with advice and guidance on how to advocate for application of consistent standards for the entire carbon black industry."

Vitter, whose wife, Wendy, was recently nominated to a federal judgeship by President Trump, didn't return phone calls left at his office in recent weeks seeking more detail on his efforts. Working with him on the Cabot account is Stephen Aaron, an ex-staffer for the Senate Environment and Public Works Committee under former Chairman Jim Inhofe (R-Okla.). Aaron also did not return calls. By the end of December, Cabot had paid Mercury a total of around \$100,000 for its work, according to the most recently filed disclosure reports.

Similarly resorting to a hired gun is Continental Carbon. Michael Borden, a partner in the government strategies branch of Sidley Austin LLP, is registered to lobby for the company on the EPA enforcement initiative, although the firm's disclosure reports offer no specifics.

In a brief phone interview, Borden, another ex-congressional staffer, said he was not authorized to speak to the media and referred questions to a colleague, Sam Boxerman, who did not reply to phone and email messages. Continental Carbon, co-owned by two Taiwanese firms, reported paying Sidley Austin \$20,000 by the end of last year.

Asked whether Vitter, Aaron or Borden had had any contact with officials in DOJ's Environment and Natural Resources Division, Hornbuckle said that, as a matter of policy, "the department doesn't comment on confidential discussions in enforcement actions."

'Severe financial hardship'?

While DOJ's authority to modify consent decrees is well-established, EPA "typically asks for something to not only make it environmentally neutral but makes it better than environmentally neutral," said Matthew Morrison, another former air enforcement official now with the firm of Pillsbury Winthrop Shaw Pittman LLP.

Court records offer no indication that either Cabot or Continental Carbon made any concessions.

For Cabot, the proposed change, when coupled with the amendment approved last year, could add as much as several years to the installation timetable for various pollution controls.

At one of the Louisiana plants, for example, SO₂ scrubbers were supposed to be up and running this month; that deadline now stands to be pushed back until April 2021. For the other, located in the area now out of compliance with the SO₂ standard, the original compliance date of September 2020 would be extended until December 2022. A third plant in Texas is already operating at lower emissions limits, O'Neill said.

As grounds for the delays, both firms cited "severe financial hardship." But while Continental Carbon doesn't disclose its financial results, Cabot's latest annual report showed that operating revenue last year totaled \$2.7 billion; net income on those earnings leapt more than 60 percent to \$241 million in comparison with the 2016 level.

In a news release, the company heralded the results as the strongest since 2014. Asked how that squared with the hardship claim, O'Neill said that Cabot has to fight for business in a globally competitive market.

The money spent so far on compliance is "\$60 million that we don't have that the other guys do have," he said. "We have been financially harmed by the timing of this, but I'd have to say that in the end we're satisfied with where the other guys have landed."

AP

<https://apnews.com/a826c23a3ea9491db44f5a6bcb82ae50/Some-West-Virginians-at-odds-with-EPA-over-soil-sampling>

Some West Virginians at odds with EPA over soil sampling

3/25/18

MINDEN, W.Va. (AP) — Some residents of a West Virginia town are at odds with the Environmental Protection Agency over whether soil samples were taken from requested sites.

The Register-Herald reports that EPA officials told residents this month they would test previously untested residential properties in Minden.

Officials told residents to submit their requests following a meeting.

Some residents say their requests for PCB contamination testing were ignored by EPA scientists. Members of a citizens' environmental group say none of the requests by residents were honored.

EPA regional spokesman Roy Seneca countered those claims. Seneca says EPA sampled yards of all residents who requested sampling during public meetings.

Seneca says EPA agents were in town several days to collect samples.

EPA is determining whether part of the town will be placed on the National Priority List Superfund site.